

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD PRYOR,

Plaintiff,

v.

Case Number 09-13185  
Honorable David M. Lawson

WAYNE COUNTY, JEROME PANACKIA,  
MAUREEN MCMILLAN, DWIGHT  
FULLILOVE, LUCIOUS JACKSON,  
ANTHONY MILO, MAURICE THOMAS,  
and DARON WEATHERSPOON,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR RELIEF**

On July 18, 2011, the plaintiff filed several motions seeking leave to file responses out of time to several motions filed by the defendants. None of the plaintiff's motions indicated whether plaintiff's counsel sought concurrence in the relief requested from counsel for the defendants, as plaintiff's counsel was obliged to do under the local rules. Accordingly, on July 21, 2011, this Court entered an order denying the plaintiff's motions for leave to file responses out of time. Now before the Court is the plaintiff's August 15, 2011 motion for relief from the July 21, 2011 order pursuant to Federal Rule of Civil Procedure 60(b)(1).

Rule 60(b) provides, in pertinent part:

On motion and upon such terms as are just, the court may relieve a party . . . from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect . . .

Fed. R. Civ. P. 60(b)(1). "Relief may be granted under this subsection only where a party has made an excusable litigation mistake, an attorney has acted without authority, or a judge has made a

substantive mistake of law or fact in the final judgment or order.” *Stephens v. Crabtree*, 72 Fed. Appx. 351, 352-53 (6th Cir. 2003).

In his motion, the plaintiff argues that he attempted to contact the defendant several times to seek concurrence for his July 18, 2011 motions prior to filing these motions, and that his statement of concurrence erroneously states that these attempts occurred on July 20, 2011. In this case, the Court is not persuaded that relief is appropriate pursuant to Fed. R. Civ. P. 60(b)(1).

Accordingly, it is **ORDERED** that the Motion for Relief [dkt. #102] is **DENIED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: August 30, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 30, 2011.

s/Deborah R. Tofil  
DEBORAH R. TOFIL